

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

July 6, 2006

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, July 6, 2006, at 1:30 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas.

The following members were present: Harold Warner Jr., Chair; Darrell Downing Vice-Chair; John W. McKay Jr.; Bill Johnson; Bob Aldrich; Elizabeth Bishop; M.S. Mitchell; Don Anderson; Bud Hentzen; Ronald Marnell; Hoyt Hillman and Michael Gisick. Morris K. Dunlap and Denise Sherman were not present. Staff members present were: John L. Schlegel, Secretary; Dale Miller, Current Plans Manager; Donna Goltry, Principal Planner; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner and Lisa Estrada, Recording Secretary.

1. Approval of June 15, 2006 MAPC minutes.

MITCHELL Three small changes, I am leaving notes with Lisa

MOTION: Approve with changes.

MARNELL moved, **MITCHELL** seconded the motion, and it carried (11-0-1) **WARNER** abstained.

❖ SUBDIVISION ITEMS

2. Consideration of Subdivision Committee recommendations from the meeting of June 22, 2006.

2-1. SUB 2006-41: One-Step Final Plat -- FANTER ADDITION, located on the east side of Hoover and south of 77th Street North. (Deferred from 6/8/05)

NOTE: This site is located in the County within three miles of Wichita's boundary. It is in an area designated as "Small City Urban growth area" by the Wichita-Sedgwick County Comprehensive Plan. It is located in the Valley Center Area of Influence.

STAFF COMMENTS:

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum shall be obtained specifying approval. **County Code Enforcement has determined that the existing septic system and water well are in compliance.**
- B. In accordance with the Urban Fringe Development policy, since this plat is located within the Valley Center Urban Growth Area, the subdivider shall contact the City of Valley Center to determine the financial feasibility of connecting the proposed subdivision to the city water system. If financially feasible, then the subdivision shall be connected to the city's water system in accordance with that city's standards.
- C. The City of Valley Center requests the dedication of 20-ft utility easements on the north, east and south sides of the Addition for future utility extensions.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. **County Engineering** needs to comment on the status of the applicant's drainage plan. **A drainage plan has been approved.**
- F. **County Engineering** needs to comment on the access controls. The plat denotes one opening along Hoover. **The access controls are approved.**
- G. **Sedgwick County Fire Department** advises that all access drives shall be in accordance with Sedgwick County Service Drive Code.
- H. In accordance with the KS Wetland Mapping Conventions under the Memorandum of Understanding between the USDA-NRCS; USEPA; USACE; and USF&WS, this site has been identified as one with potential wetland hydrology. The US Army Corps of Engineers (USACE) should be contacted (316-322-8247) to have a wetland determination completed.
- I. The applicant is reminded that this site is located within three miles of the City Limits of Wichita and will be heard by City Council. Therefore, the City Council signature block needs to be included on the final plat.
- J. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- K. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements,

rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of storm water.

- L. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- N. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- S. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- T. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: Approve per staff comments.

DOWNING moved, **MITCHELL** seconded the motion, and it carried (12-0).

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- 2-2. **SUB 2006-32: One-Step Final Plat -- MOSHER'S SEAMHAS ADDITION.** located on the west side of Tyler Road and south of Central. (Deferred from 4/27/06)

NOTE: This is an unplatted site located within the City. The site has been approved for a zone change (ZON 2006-09) from SF-5, Single-Family Residential to LC, Limited Commercial.

STAFF COMMENTS:

- A. Municipal services are available to serve the site. An easement for sanitary sewer is needed.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan has been approved.**
- D. **Traffic Engineering** needs to comment on the access controls. The plat proposes one opening along Tyler. **The access controls are approved.**
- E. A cross-lot access agreement with the property to the north shall be provided effective upon platting of that property for any commercial development.
- F. The language in the plat's text regarding dedication of the private drive easement may be deleted. The private drive easement shall be established by separate instrument. Initial construction responsibilities and future maintenance of the driveway within the easement should also be addressed by the text of the instrument.
- G. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- H. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of storm water.

- I. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- J. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- K. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- L. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- M. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- N. Perimeter closure computations shall be submitted with the final plat tracing.
- O. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- P. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Q. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: Approve per staff comments.

DOWNING moved, **MITCHELL** seconded the motion, and it carried (12-0).

2-3. SUB 2006-60: One-Step Final Plat -- QUIKTRIP 10TH ADDITION, located on the north side of Kellogg and east of Maize Road.

NOTE: This is an unplatted site located within the City. A Conditional Use (CON 2006-20) for a Car Wash has been approved for the site. A zone change from SF-5, Single-Family Residential to LC, Limited Commercial has also been approved for a portion of the site.

STAFF COMMENTS:

- A. City water services are available. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted. **A 10-ft utility easement is needed along the north property line.**
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved subject to conditions.**
- D. An off-site access easement providing access to this site shall be provided.
- E. An off-site utility easement for the relocation of the power pole and overhead electric line shall be submitted.
- F. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of storm water.
- G. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- H. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- I. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that

the type of delivery, and the tentative mailbox locations can be determined.

- J. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- K. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- L. Perimeter closure computations shall be submitted with the final plat tracing.
- M. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- N. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- O. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: Approve per staff comments.

DOWNING moved, **MITCHELL** seconded the motion, and it carried (12-0).

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- 2-4. SUB 2006-58: One-Step Final Plat -- THE HOME DEPOT ADDITION,** located on the southwest corner of 47th Street South and Broadway.

NOTE: This is a replat of a portion of the Broadway 47 Plaza 2nd Addition. A zone change request (ZON 2006-26) from LC, Limited Commercial to GC, General Commercial has been requested for a portion of the site. The site is also subject to the Broadway 47 Plaza Commercial Community Unit Plan (DP-28).

STAFF COMMENTS:

- A. A water extension is needed for Lots 5 and 6. A sewer extension is needed for Lots 3, 4, 5 and 6. Lot 1 has existing services for the existing building to be razed, which may either be reused or need to be relocated/abandoned. **Utility easements need to be widened to 20 feet, with the exception of water line easements, which need to be 10 feet.**
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The detention facility shall be placed in a reserve and the plat's text should identify the maintenance responsibilities for the pump station and basin. The 20' utility easement along the south property line should also be labeled as a drainage and utility easement. The 24" storm sewer line that extends north to lots 3, 4 & 5 should be located in a 20' drainage easement. A cross lot drainage agreement may be necessary. A minimum pad elevation should be included for lots 1 and 6.**
- D. **Traffic Engineering** needs to comment on the need for any improvements to perimeter streets. **A left turn lane is needed into the major entry along 47th St. South.**
- E. **Traffic Engineering** needs to comment on the access controls. The plat proposes one opening along Broadway and two openings along 47th St. South. **The final plat shall reference the dedication of access controls in the plat's text. The opening along Broadway needs to be defined.**
- F. The ingress-egress easement shall be established by separate instrument. Initial construction responsibilities and future maintenance of the driveway within the easement should also be addressed by the text of the instrument.
- G. The street right-of-way width should be denoted along Broadway and 47th St. South.
- H. The Applicant needs to request a CUP amendment, as the CUP parcel boundaries do not correspond with the area being platted and building setbacks need to be revised.
- I. A note shall be placed on the final plat, indicating that this Addition is subject to the conditions of the Broadway 47 Plaza Commercial Community Unit Plan (DP-28).
- J. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.

- K. The lots should be denoted by a bold line.
- L. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- M. The MAPC signature block needs to reference "John L. Schlegel, Secretary".
- N. The MAPC signature block needs to reference "Harold L. Warner, Jr., Chair".
- O. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- P. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of storm water.
- Q. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- R. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- S. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- T. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- U. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- V. Perimeter closure computations shall be submitted with the final plat tracing.
- W. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- X. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Y. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

BISHOP asked for clarification on Item #C, the list of conditions, and asked Neil for clarification on the relationship of the SUB2006-58 One-Step Final Plat—The Home Depot Addition, to Agenda Item #4, CUP2006-29 DP-28 and ZON2006-26 Amendment #2. She wanted to know that the plat was not contingent on acceptance of Agenda Item #4, and therefore found no reason for it to be held up. Ms. Bishop advised that she would be voting against the motion on Agenda Item 2-4; she has concerns with number of conditions still remaining to be met that should have been settled prior to going to the Subdivision Committee.

STRAHL advised that the relationship between Agenda Item 2-4, SUB2006-58 and Agenda Item 4 CUP2006-29 DP-28 and ZON2006-26 Amendment #2 was that the out-parcels were not included in the amended CUP. Item C of Agenda Item 2-4 under Staff Comments lists the various conditions under which the City Engineer would approve the drainage plan contingent that all the listed conditions be met before the final plat could be forwarded to City Council.

MOTION: Approve per staff comments.

MCKAY moved, **DOWNING** seconded the motion, and it carried (11-1) **BISHOP** opposed.

2-5. SUB 2006-61: One-Step Final Plat -- AVALON PARK 4TH ADDITION, located east of Tyler Road and north of 37th Street North.

NOTE: This is a replat of a portion of the Avalon Park 3rd Addition. The cul-de-sac has been extended to the east to include three additional lots to encompass land previously platted as a Reserve.

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted.
- B. **Debt Management** has requested the submission of a re-spread agreement for special assessments due to the lot reconfiguration.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The plat is approved subject to revisions. Minimum pad elevation needs to be included on the face of the plat. The 20' utility easements need to be revised to include both utility and drainage easements along the rear lot lines. Reserve A needs to be revised from a 15' width to a 20' width.**
- E. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- F. Since this is a replat of a previous Addition involved with the ownership and maintenance of reserves for that Addition, but not being replatted by this Addition, the above covenants and/or other legal documents shall be provided which provides for this Addition to continue to share in the ownership and maintenance responsibilities of any such previously platted reserves.
- G. The Applicant shall guarantee the paving of the proposed streets.
- H. For those reserves being platted for drainage purposes, the required covenant, which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- I. The applicant shall submit a covenant, which provides for four (4) off-street parking spaces per dwelling unit on each lot, which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- J. "Lots, a Block, a Street and a Reserve" shall be referenced in the plat's text.
- K. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- L. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of storm water.
- M. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- N. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- O. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- P. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- Q. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- R. Perimeter closure computations shall be submitted with the final plat tracing.
- S. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- T. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- U. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov).

Please include the name of the plat on the disc.

MOTION: Approve per staff comments.

DOWNING moved, **MITCHELL** seconded the motion, and it carried (12-0).

2-6. SUB 2006-62: One-Step Final Plat -- SPANGLES ADDITION, located on the east side of Rock Road and north of Harry.

NOTE: This is a replat of a portion of the Lynncrest Heights Addition.

STAFF COMMENTS:

- A. Municipal services are available to serve the site.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved subject to conditions.**
- D. **Traffic Engineering** needs to comment on the access controls. The plat proposes one opening along Rock Road. **The access controls are approved.**
- E. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- F. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of storm water.
- G. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- H. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- I. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- J. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- K. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- L. Perimeter closure computations shall be submitted with the final plat tracing.
- M. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- N. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property. **Any relocation of existing facilities shall be at the owner's expense.**
- O. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: Approve per staff comments.

DOWNING moved, **MITCHELL** seconded the motion, and it carried (12-0).

❖ **PUBLIC HEARINGS – VACATION ITEMS**

3-1. VAC 2006-26: Request to Vacate Platted Easements. generally located northwest of the Edgemoor Avenue - Harry Street intersection.

OWNER/APPLICANT: Dillon Real Estate Co., Inc.

AGENT: Pickering Inc., c/o Cara Martin, PE

LEGAL DESCRIPTION: Generally described as the north half of the platted 10-foot wide utility easement running parallel to the west side of Lot 1, Dillon 8th Addition, and the north portion of the platted 8-foot wide easement running parallel to the east sides of Lots 14, 15, 16, 17 & 18, Block 3, Southeast Manor Addition, all in Wichita, Sedgwick County, Kansas.

LOCATION: Generally northwest of the Edgemoor Avenue - Harry Street intersection (WCC #III)

REASON FOR REQUEST: Proposed westward expansion of existing building

CURRENT ZONING: The eastern subject property is zoned "LC" Limited Commercial and the western subject properties are zoned "MF-29" Multi-family Residential. The adjacent northern property is zoned "TF-3" Duplex Residential. Adjacent properties east and south of the site are zoned "SF-5" Single-family Residential and "LC" Limited Commercial. Properties abutting the west of the site is zoned "B" Multi-family Residential.

The applicant proposes to vacate the portions of the platted easements, as generally described (see legal) and as shown on the applicant's exhibit. The easements have manholes and sewer line in them. There is no water line located in the easements. The applicant proposes to retain the south half of the platted easements. There are no platted interior side yard setbacks in either of the plats where the easements have been platted. The Dillon 8th Addition was recorded with the Register of Deeds April 2, 1982. The Southeast Manor Addition was recorded with the Register of Deeds July 26, 1951. This case is associated with ZON2006-00021.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the portions of the platted easements, as described, with conditions.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time June 15, 2006 which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by the vacation of the above described portions of the platted easements and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

B. Therefore, the vacation of the portions of the platted easements described in the petition should be approved with conditions:

- (1) Dedicate an additional 2-foot of easement to run parallel to the platted 8-foot easement located on Lots 10, 11, 12, & 13, Block 3, Southeast Manor Addition.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Public Works/Water & Sewer and franchised utilities with any needed plans for review for location of utilities. Provide a guarantee/petition for the relocation of the sewer line and manholes.
- (3) Retain the easements until all utilities have been relocated (or provide a guarantee/petition for relocation of the utilities that has been accepted by the City) and the new easements for the relocated utilities have been recorded with the Register of Deeds.
- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (5) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Dedicate an additional 2-foot of easement to run parallel to the platted 8-foot easement located on Lots 10, 11, 12, & 13, Block 3, Southeast Manor Addition.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Public Works/Water & Sewer and franchised utilities with any needed plans for review for location of utilities. Provide a guarantee/petition for the relocation of the sewer line and manholes.

- (3) Retain the easements until all utilities have been relocated or a guarantee/petition for relocation of the utilities has been accepted by the City and the new easements for the relocated utilities has been recorded with the Register of Deeds.
- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (5) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: Approve per staff comments.

DOWNING moved, **MITCHELL** seconded the motion, and it carried (12-0).

3-2. VAC 2006-27: Request to Vacate Platted Access Control and Platted Wall Easement, generally located on the east side of Maize Road, approximately 1/4-mile north of 21st Street North.

<u>APPLICANTS/OWNERS:</u>	Chadsworth Development LLC Countryside West, LLC
<u>AGENT:</u>	Baughman Company PA, c/o Phil Meyer
<u>LEGAL DESCRIPTION:</u>	<p>The platted complete access control located on the north 30-feet of the west line of Lot 1, Chadsworth Commercial 2nd Addition, Wichita, Sedgwick County, Kansas</p> <p>The platted 5-foot wall easement located along the north line of Lots 1 & 2 (except the east 5-feet), Chadsworth Commercial 2nd Addition, Wichita, Sedgwick County, Kansas</p>
<u>LOCATION:</u>	Generally located on the east side of Maize Road, approximately 1/4- mile north of 21 st Street North (WCC District #V)
<u>REASON FOR REQUEST:</u>	Joint access for commercial development
<u>CURRENT ZONING:</u>	The site and the abutting southern property are zoned "LC" Limited Commercial. The northern and eastern abutting properties are zoned "SF-5" Single-family Residential. Adjacent western property is zoned "LC" and "GC" General Commercial. The site is part of CUP DP-204

The applicant has applied for the vacation of the complete access control along the site's north 30 -feet of its Maize Road frontage. The request will allow a proposed 40-foot joint right in – right out drive between the subject site (30-feet) and the abutting northern property. The proposed joint access also adds an additional point of access onto the site. There is an existing 50-foot (approximate) drive, a portion of which is located on the south 15-feet of the subject site. The proposed joint access would be 155-feet north of this described existing drive. There is another existing drive on the west side of Maize Road (across from the site) that is located approximately 100-feet south of the site. At this location Maize Road has a center turn lane, continuous right hand turn lanes and four through lanes. There is water located in this side of the Maize Road right-of-way (ROW), but no sewer lines or manholes. The applicant also proposes to vacate the described platted 5-foot wall. There is a platted 20-foot drainage-utility easement that runs parallel to the platted wall easement that will remain. The Chadsworth Commercial 2nd Addition was recorded with the Register of Deeds August 14, 1995.

NOTE: The abutting northern property is associated with ZON2005-54/CUP2005-72 DP-293. A requirement of the zoning cases was a replat (currently the Agape Addition, recorded January 11, 1987) of the abutting northern property; SUB2006-43, approved by the MAPC May 18, 2006. The replat shows 10-feet of the described proposed 40-foot joint right in – right out access on this abutting northern property. When the zoning is completed there will be no need for a wall between the subject site and this site.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate a portion of the platted access control, per the approval of the Traffic Engineer, and the platted wall easement, with conditions.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time June 15, 2006 which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the above-described portion of platted complete access control and the platted wall easement and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

B. Therefore, the vacation of a portion of the platted complete access control and the platted wall easement described in the petition should be approved with conditions:

- (1) Vacate that portion of platted access control along the site's Maize Road frontage, as approved by the Traffic Engineer to establish the joint right-in – right-out access across the subject site and the abutting northern property. This needs to be coordinated with the complete access control that is approved on the replat (SUB2006-43) of the Agape Addition.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
- (3) All improvements shall be according to City Standards, including any driveways from private property onto public ROW.
- (4) Retain the platted 5-foot wall easement as a drainage easement.
- (5) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

1. Vacate that portion of platted access control along the site's Maize Road frontage, as approved by the Traffic Engineer to establish the joint right-in – right-out access across the subject site and the abutting northern property. This needs to be coordinated with the complete access control that is approved on the replat (SUB2006-43) of the Agape Addition.
2. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
3. All improvements shall be according to City Standards, including any driveways from private property onto public ROW.
4. Retain the 5-foot wall easement as a drainage easement.
5. Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: Approve per staff comments.

DOWNING moved, **MITCHELL** seconded the motion, and it carried (12-0).

❖ **PUBLIC HEARINGS**

4. **Case No.: CUP2006-29 DP-28 Amendment #2 and ZON2006-26**– Broadway 47, LLC, c/o David J. Christe and CASCO c/o Greg Goette (agent) Request for Amendment #2 to Broadway 47 Plaza Community Unit Plan (CUP DP-28) applied to Parcel 1, and a zone change from "LC" Limited Commercial to "GC" on a portion of Parcel 1, Broadway 47 Plaza Community Unit Plan (CUP DP-28) on property generally described as;

Lot 1, Block A, Broadway 47 Plaza 2nd Addition, Sedgwick County, Kansas. Generally located on the southwest corner of 47th Street South and Broadway Avenue.

BACKGROUND: The applicant requests a zone change from "LC" Limited Commercial to "GC" General Commercial on a (+) 34,760-square foot portion(s) of Parcel 1. The requested "GC" zoning is for a Home Depot's proposed garden center, which is considered outdoor storage and sales. The applicant also requests Amendment #2 to the CUP. The proposed amendment addresses redevelopment of the CUP by reducing the area of Parcel 1 and reconfiguring it to create six (6) new parcels; Parcels 1 (reduced in size and reconfigured), 7, 8, 9, 10 & 11. The existing Parcels 2, 3, 4, 5 & 6 of the CUP are not affected by the proposed amendment.

The proposed uses for Parcels 7, 8, 9, 10, & 11 are: shopping center, financial institutions, office, personal services and retail sales as permitted by the zoning district. These proposed uses listed are permitted by right in the existing parcels of the CUP. The maximum building coverage is 30%, floor area ratio is 30%, maximum building height is 35-feet and maximum number of buildings is one (1). These are the same as all or most (but never exceeding) of the existing parcels. Parcel 11 has 35% maximum floor area ratio, rather than 30%, which all other the other parcels have, other than Parcel 1. Parcel 1's proposed uses are: shopping center, financial institutions, office, personal services, retail sales, garden center, and outdoor sales and storage. Parcels 1's maximum building coverage is 35%, maximum floor area ratio is 40%, maximum building height is 55-feet and maximum number of buildings is four (4). Parcel 1 is the proposed site of the Home Depot.

Maximum floor area ratio is approximately the same as in the original CUP, but it appears that maximum building area has increased (10%), within the context of the need for the maximum building coverage for Parcel 11 missing from the proposed amendment.

The site currently has a large retail box (1965) on it, most of which is a vacant Checkers grocery store. A pawnshop, a hair salon, a nail salon, a Rent-a-Center, a submarine sandwich shop and a tax preparing office occupy the rest of the building. The applicant is proposing to allow those existing businesses to remain in the eastern portion of the big box, while demolishing the rest of the structure, then rebuild as a Home Depot. Per the current Unified Zoning Code (UZC,) a pawnshop is a specific use. At the time of the recording of the original CUP a pawnshop was considered retail. Per the current UZC a pawnshop is not allowed in the CUP and the existing pawnshop is considered a legal nonconforming use. Approximately half of the site has never been developed. Other developments in CUP DP-28, on the out parcels, is either, (a) retail; a Dollar Store (1999), a Burger King (1999), a Hollywood Video (1998), or (b) a gas station with a convenience store and car wash (1987), or (c) financial; an Emprise Bank (1989).

North of the application area, across 47th Street South, development facing the site is commercial on the eastern half and residential on the western half. The eastern half is zoned "GC" CUP DP-216, is a Dillon grocery store (built 1995) with gas service. The western half is single-family residential (random selections=built throughout the 1950s) development zoned "SF-5". Northeast of the site, across the Broadway Avenue – 47th intersection, there is a mix of "GC", "LC" and "LI" Limited Industrial zoning. Development consists of stand alone fast food and sit down restaurants (6), a retail strip with uses ranging from a liquor store, a sit down restaurant (1), medical, a nail shop, phone sales and a fast cash business. The most recent of these businesses appears to be the Applebee's restaurants and the retail strip, both built in 1994. East of the site, across Broadway, there is free standing McDonalds (1977) and Pizza Hut (2000) restaurants, both zoned "GC". There is also a "LC" zoned CUP DP-68, developed as a K-Mart big box retail (1976) and a retail strip housing three (3) sit down restaurants, retail and a check cashing/fast cash business. West of the site, across Water Street to the railroad tracks, there are undeveloped "LI" and "SF-5" zoned properties. South of the site, across 48th Street South there is the LI zoned Pepsi Bottling plant, a manufacturing facility and some undeveloped property.

CASE HISTORY: The site and the other three corners of the 47th Street South - Broadway Avenue intersection was zoned "LC" Light Commercial by the BoCC March 28, 1958. The site was part of an area annexed into the City between 1961- 1970. The site was originally platted as part of the Broadway 47 Plaza Addition, recorded with the Register of Deeds October 2, 1968. The DP-28 Broadway 47 Plaza CUP was created August 20, 1968. Amendment #1 (approved January 6, 1987) allowed three (3) new out parcels within the CUP and changed access control onto Broadway and 47th. Amendment #1 also approved financial institutions, office, personal services, restaurants, retail sales and service stations including convenience sales and car washes, if first approved by the BZA as uses for the new out parcels. Amendment #1 also changed/reduced the setbacks, added a general provision for screening trash receptacles and increased the number of buildings to allow two (2) buildings on the new parcels in reference for additional buildings for car wash(s). The site was replatted as part of the Broadway 47 Plaza 2nd Addition, recorded with the Register of Deeds August 31, 1987. The replat showed the three (3) new out parcels and the new setbacks. A lot split was approved December 17, 1996. A portion of the Broadway 47 Plaza 2nd Addition is being replatted as the Home Depot Addition: SUB2006-58, approved by Subdivision June 19, 2006 and scheduled for the July 6, 2006 MAPC meeting. This replat is associated with the current amendment #2 and the zone change. The replat excludes Lots 2, 3, 4, & 5, as recorded on the Broadway 47 Plaza 2nd Addition & Lot 6, Broadway 47 Plaza 2nd Addition, created by the 1996 lot split: Film 1853, Page 1664. The District Advisory Board (DAB IV) unanimously approved the requested zone change and amendment, as recommended by Planning, at their July 5, 2006 meeting. No one spoke against the request at the meeting.

ADJACENT ZONING AND LAND USE:

NORTH: "SF-5", "GC"	Single-family residences, Dillon grocery/gas with CUP,
"LC"	strip retail, restaurants (free standing and in strip retail)
SOUTH: "LI"	Pepsi Cola bottling facility, manufacturing, auto parts sales
EAST: "LC", "GC"	K-Mart retail with outdoor garden center & retail strip with CUP, restaurants (free standing and in strip retail)
WEST: "LI", "SF-5"	Undeveloped property

PUBLIC SERVICES: Broadway Avenue and 47th Street South are four-lane arterials, right turn lanes, dual left turn lanes and accel/decel lanes. Current traffic counts are between 14,670 – 24,467 ADT's. 2030 projected traffic counts are between 16,000 – 32,000 ADTs. K-DOT has approved a concept for improvements to the IH-135 – 47th Street South interchange, which is approximately ¼-mile from the site. All other normal public services are available to the site.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Functional Land Use Guide" of the *Wichita-Sedgwick County Comprehensive Plan* identifies the application area as within the 2030 Wichita Growth Area, appropriate for "regional commercial". This classification encompasses major destination areas containing concentrations of commercial, office, and personal service uses that have a predominately regional market areas and high volumes of retail traffic. These areas are located in close proximity to major arterials or freeways. The range of uses includes major retail malls, major automobile dealerships, and big box retail outlets with a regional market draw. Regional Commercial areas may also include higher density residential housing and uses typically found in Local Commercial areas. The requested "GC" zoning and the amendment match the Guide and current development trends in the area.

The site is also located with the "South Wichita/Haysville Area Plan" (Resolution #36-02, approved by the Board of County Commissioners (BoCC) March 20, 2002 & Ordinance #45-248/DR2000-00012, approved by WCC April 2, 2002), which states as a goal the improvement of the areas opportunities for additional commercial growth (Sec.V.6. "Action Plan"). Supporting "regional" commercial growth at the center located on the southwest corner of the 47th Street South – Broadway Avenue intersection, the subject site, is a stated strategy in the plan: Sec.V.6.6.B.3. Replacing the vacant Checkers grocery store with a national chain, Home Depot, certainly fits into that strategy.

RECOMMENDATION: The proposed zone change and amendment is in general conformance with the "Wichita Land Use Guide" recommendation of regional commercial use, the South Wichita/Haysville Area Plan's site-specific strategy for regional commercial growth and the original CUP's intent in regards to uses and development.

Based on these factors, plus the information available prior to the public hearing, staff recommends the request be APPROVED subject to the following conditions:

- A. APPROVE the zone change (ZON2006-26) to "GC" General Commercial on the described portion(s) of Parcel 1, subject to replatting within a year;
- B. APPROVE Amendment #2 to Community Unit Plan DP-28 (CUP2006-29), subject to the conditions listed on the proposed amendment to the CUP and the following changes to the proposed amendment's General Provisions, Parcel Descriptions and Proposed Uses:
 1. Change language in General Provision #3, 'Drainage' to "...drainage and drainage improvements will be guaranteed at the time of the final plat.
 2. Reduce the parking requirements in the reconfigured Parcel 1 and the newly created Parcels 9, 10 & 11, by 25%.
 3. Add Parcels 2, 3 & 6 to General Provision #9, 'Landscaping' in reference to landscaping plan and guarantee.
 4. Revise General Provision #6 "signs": (a) No portable signs or off site sites permitted on the CUP. Allow (a) Maximum size of wall signs for Parcel 1 shall be increased by 20% per City sign code adjustments. (b) Maximum number of wall signs per elevation for Parcel 1 shall increase by 2. This will allow 5 signs. (c) Allow one (1) multi-tenant sign along the CUP's 47th Street South frontage and one (1) along its Broadway Avenue frontage, per the City sign code for the "LC" zoning district
 5. All property included within amended portion of the C.U.P. and zone case shall be platted within one year after approval of this CUP by the Governing Body, or the cases shall be considered denied and closed.
 6. The resolution establishing the amendment and the zone change shall not be published until the replat has been recorded with the Register of Deeds. Prior to publishing the resolution establishing the amendment and the zone change, the applicant shall record a document with the Register of Deeds indicating that the replatted portion of the CUP (referenced as DP-28) includes special conditions for development on this property.
 7. The applicant shall submit 4 revised copies of the amended C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: "GC" and "LC" zoning exists at the other three corners of the 47th Street South and Broadway Avenue intersection. There is another CUP east of the site with a national big box retail; K-Mart. Uses in the area are mostly commercial with a mix of national, regional, and local businesses.
2. The suitability of the subject property for the uses to which it has been restricted: The CUP has never been fully developed, and is now occupied by a large nearly vacant big box retail store. The proposed amendment and "GC" zoning would allow more opportunities for smaller scale development on the newly created out parcels and allow the Home Depot to have their typical garden centers.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The amendment and zone change can only help the whole area. A vacant building of this size coupled with almost half of the CUP never having been developed is a huge negative impact on the area.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "Wichita Functional Land Use Guide" of the *Wichita-Sedgwick County Comprehensive Plan* identifies the rezoning area as appropriate for "regional commercial" development. The proposed development is in accordance with the commercial locational guidelines of the plan. The site is specifically targeted in the "South Wichita/Haysville Area Plan" for "regional" commercial growth.
5. Impact of the proposed development on community facilities: The proposed development will result in increased traffic on this portion of 47th Street South and Broadway Avenue, only if it develops. The proposed maximum building coverage is within (+) 10% of the original CUP, which was only half developed, therefore traffic will only be approaching what was anticipated with the original CUP. Drainage impacts will be evaluated at the time of platting.

BILL LONGNECKER Planning staff, presented the staff report.

BISHOP asked about Item #4 under the "Conditions and the Signs", she wanted to know if what was listed was outside of what is generally allowed for "signage" for a development of this size.

LONGNECKER advised that no, they were not out of line with what was approved for the existing CUP, and what was allowed by the Unified Zoning Code, the sign code or as an adjustment. The proposed amendment addressed the reconfiguration of Parcel 1, the additional out lots created by the reconfiguration and their uses. The proposed uses repeat, but never exceed, the uses allowed on the existing out lots that are already developed. The only difference is Home Depot is asking for the "GC" Zoning, which allows the out-door storage and display to accommodate the Garden Center for Home Depot.

MITCHELL noted corrections to the staff report; page 3, second line under Case History; page 4, second paragraph under Conformance to Plans/Policies the "47th Street South – Greenwich Road, reference should be Broadway. He noted that Bock should be BoCC, in reference to the Case History portion of the report. He also asked about Staff's recommended change of language in General Provision #3: "Drainage will be handled at the time of platting". He asked what was meant by the applicant asking for drainage to be handled at the time of permitting instead of platting.

LONGNECKER noted that the language changes would be made accordingly. In addition, Mr. Longnecker advised that staff is recommending that the change be granted at the time of final plat, not when the applicant was pulling building permits. This was per the recommendation of the storm water engineer.

DAVE OLSEN, agent for CASCO and Home Depot expressed their appreciation to staff.

ANDY MITZER with D. J. Christe, the developer, also thanked and expressed his appreciation to staff for their help.

MOTION: Motion to approve based on staff recommendation(s) and comments.

ALDRICH moved, **JOHNSON** seconded the motion, and it carried (12-0).

5. **Case No.: ZON2006-24 (Associated with CUP2006-22)** – Greenwich 13, LLC c/o George E. Laham (owner); Professional Engineering Consultants, PA, c/o Rob Hartman (agent) Request The creation of Greenwich Plaza Community Unit Plan; and Sedgwick County zone change from "SF-20" Single-family Residential to "GC" General Commercial on property described as;

Lot 2, Block 1, Home Bank & Trust Company Addition, an Addition to Wichita, Sedgwick County, Kansas.

Together With:

The East Half of the South Half of the Southeast Quarter of Section 9, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, Except the South 18 acres thereof.

Together With:

The West 735 feet of the South 18 acres of the East Half of the Southeast Quarter of Section 9, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas.

Together With:

The North 4 acres of the following described tract:

The South 18 acres, except the West 735 feet thereof, of the East Half of the Southeast Quarter of Section 9, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas. Generally located North of 13th Street North and west of Greenwich Road.

BACKGROUND: The applicant proposes to create a community unit plan containing 36 acres with seven parcels. The tract includes the quarter section of land located northwest of 13th Street North and Greenwich except for a one-acre tract abutting the corner of the intersection. The northern 21 acres is zoned "GI" General Industrial, the southeastern five acres is zoned "LC" Limited Commercial, and the southwestern nine acres is zoned "SF-20" Single-family Residential but requested for "GC" General Commercial zoning. The property zoned LC already has been annexed to the City of Wichita and annexation has been requested for the remaining land.

The property is located in the flight path of the Raytheon runway, which runway ends one-fourth mile south of 13th Street North. All of the land lies within Area A of the Airport Hazard Zone (Wichita-Sedgwick County Airport Hazard Zoning Map) and will require FAA review (FAA Form 7460-1) for any structures.

As proposed by the applicant, Parcel 1 (18.91 acres), Parcel 2 (9.88 acres) except the eastern 540 feet, Parcel 6 (1.40 acres), and Parcel 7 (1.40 acres) requests those uses permitted by right in the GC zoning district except: correctional placement residences; recycling collection stations, public and private; recycling processing center; reverse vending machines; pawn shops; asphalt or concrete plants; welding or machine shops; tattooing or body piercing facilities; sexually oriented businesses, and adult entertainment as defined by city code. Parcel 3 (1.21 acres), Parcel 4 (1.39 acres), Parcel 5 (1.40 acres) and the eastern 540 feet of Parcel 2, would allow those uses permitted by right in the "LC" Limited Commercial district except: correctional placement residences, vehicle storage yards, general vehicle repair, outdoor storage, pawn shops, nightclubs, asphalt or concrete plants, sexually oriented businesses, and adult entertainment as defined by city code.

One potential business under consideration for Parcel 1 is an automobile dealership. Specific users have not been identified for the development.

Cross-lot circulation would be required for adjacent lots; pedestrian connections required from buildings to arterial sidewalks. Building setbacks are stated as being per code. This would be 35 feet along 13th Street North and Greenwich Road. No internal setbacks are shown, but it is recommended that internal setbacks of 15 feet along internal parcel lines be maintained unless parcels are developed as a single building. Maximum building height requested is 35 feet. Any building exceeding 25 feet will be contingent upon FAA review. A maximum building coverage and gross floor area of 30 percent is requested for all parcels. The CUP offers

architectural control includes similar predominant exterior building materials, similar color palette, no predominately metal facades, and consistent landscaping, lighting and signage.

Exterior masonry walls would not be required currently by the Unified Zoning Code ("UZC") because of the presence of industrial zoning on the north and west property lines (this could change if the abutting property is rezoned to residential use prior to development of this tract). The CUP would require screening of trash receptacles, outdoor work and storage areas and mechanical equipment from ground level view with material to match the buildings they support and screening of loading areas and docks.

Ground signage is requested as per Sign Code with the following conditions: (1) spaced 150 feet apart, (2) prohibiting flashing signs (except time, temperature and other public service messages), rotating, moving or signs creating the illusion of movement, (3) prohibiting portable and off-site signs, (4) limiting window display to 25 percent of window area. Freestanding signs would be monument style with three signs on Greenwich Road and one on 13th Street North with maximum height of 30 feet and sign face area of 300 square feet, otherwise for Parcels 1-7 signs with a maximum height of 20 feet and sign face area of 200 square feet but with the maximum amount not to exceed 0.8 times the linear street frontage for ground signage.

A one-acre tract of land owned by Home Bank and Trust is located immediately abutting the proposed CUP and at the northwest corner of the intersection of 13th Street North and Greenwich Road. It is zoned LC and is excluded from this CUP. East of Greenwich Road, the southernmost 1/8 mile of property is approved as DP-224 Dillon's 13th and Greenwich CUP and is undeveloped. The remaining 3/8 mile of property east of Greenwich and south of the railroad right-of-way is zoned SF-20 and is vacant. North of the proposed CUP, the property is zoned GI and used as for storage of old aircraft parts by Raytheon and a concrete plant. The property to the west is zoned "LI" Limited Industrial and is vacant. The property to the south is zoned LI and is the test runway for Raytheon aircraft, except for a small community unit plan, DP-254 Kiser West CUP located southwest of the corner of 13th Street North and Greenwich that is zoned LC and is vacant except for one retail business. The property to the southeast of Greenwich and 13th Street North is DP-239 Gateway Center Addition CUP, commonly known as The Palazzo. It is zoned LC and is developed with a large theater, a large bowling alley, several restaurants and a hotel.

The presence of large concentrations of population underneath a flight path poses a safety threat to the population and potential impact on the continued operation of the Raytheon runway. All residential uses, uses that concentrate a large number of people and uses that attract wildlife should be prohibited or restricted.

CASE HISTORY: The property is unplatted except for portions of Parcel 5 and most of Parcel 4, which is platted as Home Bank & Trust Company Addition, recorded July 26, 2005.

ADJACENT ZONING AND LAND USE:

NORTH: GI	Aircraft (storage of old aircraft parts), concrete plant
SOUTH: LI, LC	Raytheon runway, retail business, vacant
EAST: LC, SF-20	Vacant, commercial development (southeast)
WEST: LI	Vacant

PUBLIC SERVICES: Greenwich Road and 13th Street North are 4/5 lane arterial streets with a signalized intersection. Current (2005) traffic counts on Greenwich Road were 9,326 vehicles per day south of 13th and 7,169 north of 13th; projected 2030 traffic volumes are 22,000 vehicles per day south of 13th and 20,000 north of 13th. Current (2005) traffic counts on 13th Street North were 7,387 vehicles per day west of Greenwich and 9,755 east of Greenwich. Projected 2030 volumes for 13th Street North is 20,000 vehicles per day.

Three full movement and two right-in/right-out access points are requested for both 13th Street North and Greenwich Road.

Other normal public services are available to the site.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide, as amended May 2005" of the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "regional commercial" for the land zoned LC, "park and open space" for the area below the take-off zone of Raytheon's runway, and employment/industry center for the northern half. The park and open space and employment/industry center designations were intended to reduce population concentrations in proximity to the accident potential from airplanes taking off immediately south of the property. The industrial zoning categories ("OW" Office Warehouse, "IP" Industrial Park, LI and GI) prohibit residential uses and prohibit or restrict public and institutional uses closely associated with residential uses such as bed and breakfast, day care, limited, and recreational vehicle campground. The "A-O" McConnell Airport Overlay District ("AOD") in the vicinity of the McConnell Air Force Base has three tiers that limit the uses nearest the runway to agriculture, warehouse, wholesale, storage uses, cemeteries and concrete plants. The other tiers allow more uses but still prohibit urban-scale residential use, bed and breakfast inns, hotels or motels, recreational vehicle campgrounds, restaurants, taverns and drinking establishments, clubs, retail food stores with gross floor exceeding 3,000 square feet, hospitals, convalescent care facilities, day care centers, group homes, schools, libraries, churches, auditorium or stadium, correctional placement residences, correctional facilities; community assembly and recreation and entertainment that would attract more than 25 spectators and/or participants per acre also are prohibited. Currently, proposed revisions to the AOD are being reviewed by the Advance Plans Subcommittee of MAPC in response to the direction of the JLUS Implementation Coordinating Committee.

Commercial Objective III.B encourages future commercial areas to "minimize detrimental impacts to other adjacent land uses", with **Strategy III.B.2** seeking to integrate out parcels to planned centers through shared internal circulation, combined signage, similar landscaping and building materials, and combined ingress/egress locations. The CUP requires a parcel-by-parcel site circulation plan and design element (signs, landscape palette, lighting) compatibility to address these policies. It stipulates shared signage for development identification/tenant signs. **Commercial Locational Guideline #1** of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterial streets. The proposed development complies with this guideline.

RECOMMENDATION: The *Comprehensive Plan* recommends regional commercial use (northeast corner), industry/employment center, plus designates a segment as open space to preserve the integrity of Raytheon's runway for testing its airplanes and the safety of persons on the ground level below the flight path. While it would be desirable to restrict the concentration of population on the entire tract, the majority already is zoned GI and LC without such restrictions. It is recommended that in areas currently zoned SF-20, all residential use, places of public assembly (churches, schools, hospitals, office buildings, shopping centers and other uses with similar concentrations of persons) should be prohibited or limited to a very low population concentration that lie beneath the flight path, and that all uses that attract wildlife should be prohibited in the entire tract.

Based on these factors, plus the information available prior to the public hearing, staff recommends the request be APPROVED subject to the following conditions:

C. APPROVE the zone change (ZON2006-00020) to GC.

D. APPROVE the Community Unit Plan (DP-298), subject to the following conditions:

1. In the property currently zoned SF-20, uses shall be restricted as per the restrictions in the A-O III-N and A-O III-S of the Unified Zoning Code.
2. All uses that attract wildlife including wet detention and ponds shall be prohibited.
3. No construction shall be permitted without first obtaining an FAA review (FAA Form 7460-1 or subsequent review in place thereof) by the appropriate federal agency. Freestanding wireless communication facilities shall be prohibited.
4. Any vehicle storage yard shall be screened by a solid masonry wall.
5. Add to General Provision #7: "Parking lot landscaping and screening shall be required for all parcels."
6. Add to General Provision #8: building setbacks of 15 feet on internal property lines, 35 feet along 13th Street North and Greenwich Road, and show setbacks on CUP.
7. Add to General Provision #9B: Only those signs permitted in the LC zoning district shall be permitted. No temporary display signs are permitted on any parcel developed with auto sales, including the use of commercial flags, banners, portable pennants, streamers, pinwheels, string lights, search lights, bunting and balloons, except that fixed banners affixed to light poles and not exceeding 50 square feet of material per light pole shall be permitted. Add to General Provision #9C: "billboards,"
8. Add to General Provision #22: An overall site circulation plan shall be submitted for review and approval by the Planning Director and Traffic Engineer prior to issuance of the first building permit, demonstrating smooth internal vehicular movements within the CUP. An internal drive shall be provided along the common boundary of Parcel 2 with Parcels 3-7.
9. Add a general provision to state: "On parcels used for vehicle sales, the parcels shall be limited to sales of automobiles and light-duty trucks and shall adhere to the supplementary use provisions of Article III, Sec. III-6.D.x, or such use would require an amendment of the CUP to alter these supplementary use provisions.
10. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
11. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
12. All property included within this CUP and zone case shall be platted within one year after approval of this CUP by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
13. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-298) includes special conditions for development on this property.
14. The applicant shall submit 4 revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: A one-acre tract of land owned by Home Bank and Trust is located immediately abutting the proposed CUP and at the northwest corner of the intersection of 13th Street North and Greenwich Road. It is zoned LC and is excluded from this CUP. East of Greenwich Road, the southernmost 1/8 mile of property is approved as DP-224 Dillon's 13th and Greenwich CUP and is undeveloped. The remaining 3/8 mile of property east of Greenwich and south of the railroad right-of-way is zoned SF-20 and is vacant. North of the proposed CUP, the property is zoned GI and used as for storage of old aircraft parts by Raytheon and a concrete plant. The property to the west is zoned "LI" Limited Industrial and is vacant. The property to the south is zoned LI and is the test runway for Raytheon aircraft, except for a small community unit plan, DP-254 Kiser West CUP located southwest of the corner of 13th Street North and Greenwich that is zoned LC and is vacant except for one retail business. The property to the southeast of Greenwich and 13th Street North is DP-239 Gateway Center Addition CUP, commonly known as The Palazzo. It is zoned LC and is developed with a large theater, a large bowling alley, several restaurants and a hotel.
2. The suitability of the subject property for the uses to which it has been restricted: The area is suitable for industrial/warehouse types of uses that do not have high concentrations of population.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Unrestricted use that intensifies the concentrations of population in the flight path could compromise the continued use of the runway to the south and pose a threat the safety of those individuals.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "2030 Wichita Functional Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "regional commercial" for the land zoned LC, "park and open space" for the area below the take-off zone of Raytheon's runway, and employment/industry center for the northern half. The park and open space and employment/industry center designations were intended to reduce population concentrations in proximity

to the accident potential from airplanes taking off immediately south of the property. The industrial zoning categories ("OW" Office Warehouse, "IP" Industrial Park, LI and GI) prohibit residential uses and prohibit or restrict public and institutional uses closely associated with residential uses such as bed and breakfast, day care, limited, and recreational vehicle campground. The "A-O" McConnell Airport Overlay District ("AOD") in the vicinity of the McConnell Air Force Base has three tiers that limit the uses nearest the runway to agriculture, warehouse, wholesale, storage uses, cemeteries and concrete plants. The other tiers allow more uses but still prohibit urban-scale residential use, bed and breakfast inns, hotels or motels, recreational vehicle campgrounds, restaurants, taverns and drinking establishments, clubs, retail food stores with gross floor exceeding 3,000 square feet, hospitals, convalescent care facilities, day care centers, group homes, schools, libraries, churches, auditorium or stadium, correctional placement residences, correctional facilities; community assembly and recreation and entertainment that would attract more than 25 spectators and/or participants per acre also are prohibited. Currently, proposed revisions to the AOD are being reviewed by the Advance Plans Subcommittee of MAPC in response to the direction of the JLUS Implementation Coordinating Committee. **Commercial Objective III.B** encourages future commercial areas to "minimize detrimental impacts to other adjacent land uses", with **Strategy III.B.2** seeking to integrate out parcels to planned centers through shared internal circulation, combined signage, similar landscaping and building materials, and combined ingress/egress locations. The CUP requires a parcel-by-parcel site circulation plan and design element (signs, landscape palette, lighting) compatibility to address these policies. It stipulates shared signage for development identification/tenant signs. **Commercial Locational Guideline #1** of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterial streets. The proposed development complies with the arterial street guideline.

5. Impact of the proposed development on community facilities: the arterial streets bordering the site should accommodate Traffic increases. Other public services are available.

DONNA GOLTRY Planning staff, presented the staff report. She understood the applicant was in agreement to staff comments except regarding condition #1, and except asking for modifications to condition #9 to allow sales of RVs and boats to the types of vehicle sales allowed. She clarified that a body shop would be permitted as an accessory use to a vehicle dealership, but not as a separate use.

ALDRICH asked if staff had received any comments from Raytheon. Goltry and Miller replied no.

MITCHELL asked on Page 5, under B, subject to the following conditions, #2 "All uses that attract wildlife including wet detention and ponds shall be prohibited," what is the scientific basis for this condition?

GOLTRY explained this was "applicant supplied language" in their agreement with Raytheon, that they would not develop uses that attract wildlife.

ROB HARTMAN, PEC on behalf of the applicant Laham Development. Mr. Hartman provided the history as to why the GC zoning was requested. When Mr. Laham purchased the property, the agreement with Raytheon was that property could be developed with commercial and industrial uses only for the east half of a larger tract they acquired. The 35 acres is the property that encompasses the CUP and the zone change. The agreement was restricted to all commercial and industrial uses with the exception of prohibiting day care centers and outdoor recreation areas, and prohibiting residential use(s), and any use(s) that might attract waterfowl. We will comply with all FAA regulations. We will also restrict uses to eliminate schools, hospitals, and group homes, which have been added to the CUP. We are still negotiating on some items. We are asking for approval of the CUP as submitted with the additional prohibition of the schools, hospitals, and group homes as restricted uses. We are in agreement with all other provisions that are stated in the staff comment.

HILLMAN asked if any information had been disclosed to the buyer(s) pertaining to contamination of the soil within the area; and had the purchaser(s) and the owner(s) been informed and were they ready to accept responsibility if any should arise.

HARTMAN advised that provisions have been set in the contract to offset and protect the occupants. He also thought monitoring wells were in the area but was unsure if any were at this particular location.

MITCHELL wanted to know if Mr. Hartman objected to any item on the list, under B, Page 5.

HARTMAN We are opposed to Agenda Item #5, #1 under Provision B, which says "In the property currently zoned SF-20, uses shall be restricted as per the restrictions in the A-O III AND A-O III S of the Unified Zoning Code." We are in agreement with Items 2-11.

MILLER advised the point that staff is trying to make was we were not trying to damage his interest in the property that is already zoned for the "GI" General Industrial and "LC" Limited Commercial. However, in good conscience, staff could not suggest that it was appropriate to recommend approval of uses where a large concentration of people would be in this location so close to a runway. Part of our job is to protect the health, safety, and welfare of the public. We do understand that there were minimal restrictions in place when the sale occurred.

GOLTRY mentioned that the 9-acre tract zoned SF-20 happens to be the majority of the area under the closest part of the flight path. Staff is not suggesting that it be left SF-20. We are suggesting it be rezoned GC General Commercial, but that the use restrictions be the restrictions as proposed by the applicant for the CUP except the that the allowed uses would be modified to be those uses that are allowed within the Airport Overlay District III-N and AO III-S; along with the minor modification made on the vehicle sales iterated earlier.

MITCHELL motion to approve subject to leaving out #1 of the Items listed on Page 5, under the recommendation of staff to approve. Also to include the added prohibition of schools, group homes and hospitals as a separate addition to the earlier use of restrictions "Prohibited Use".

McKAY seconded the motion.

GOLTRY advised for point of clarification that Mr. Hartman did add prohibition of schools, group homes, and hospitals as a separate addition to the earlier use of restrictions as "Prohibited Use".

MOTION: Approve subject to leaving out #1 of the Items listed on Page 5, under the recommendation of staff to approve. Also to include the added prohibition of schools, group homes and hospitals as a separate addition to the earlier use restrictions. McKay seconded the motion.

MITCHELL moved, **MCKAY** seconded the motion, and it carried (9-3) **BISHOP, ALDRICH HILLMAN** Opposed.

6. **Case No.: DR2005-29** - Request Dunbar Theater Redevelopment Feasibility Study

Background: The *McAdams Neighborhood Revitalization Plan* was adopted as an amendment of *The Wichita-Sedgwick County Comprehensive Plan* in May 2003. Goal 4 of the *McAdams Neighborhood Revitalization Plan* states, "Redevelop the historic Dunbar Theater area as a visual and performing arts center, and promote the development of community outreach facilities at the Phyllis Wheatley Center." Action Plan 4.1 states, "Confirm community support and undertake a feasibility analysis of community-based, visual and performing arts reuse/redevelopment opportunities associated with the Dunbar Theatre/Turner Drug Store area. Incorporate recognition of the African American heritage of the neighborhood and those McAdams residents who have achieved local, state and national notoriety."

In January 2006, the City of Wichita commissioned a \$35,000 study that was prepared by Hardlines Design Company of Columbus, Ohio; AMS Planning & Research of St. Louis, Missouri; and Professional Engineering Consultants of Wichita, Kansas. The attached *Dunbar Theater Redevelopment Feasibility Study Report* indicates that redevelopment of the Dunbar Theater would fill an unmet niche in the community for a performing arts venue with approximately 200 seats and also would provide the surrounding neighborhoods a much needed location to host meetings and receptions. The study estimates that the facility could be redeveloped at an approximate cost of \$1.5 million and that an annual operating subsidy of approximately \$215,000 would be needed to operate the facility.

On May 22, 2006, the study was presented to about 30 neighborhood leaders from McAdams and surrounding neighborhoods. The neighborhood leaders that attended the meeting expressed support for redevelopment of the Dunbar Theater and the surrounding neighborhood. Other neighborhood leaders and elected officials have since expressed support as well.

The study is being presented to the MAPC for information and to provide an opportunity for the MAPC to give neighborhood leaders direction and support. Implementation of the study's recommendations will depend upon neighborhood leadership's ability to garner support from the greater community and to raise the necessary resources. The study indicates a number of possible sources for funding, including government funding. While no government funds have been budgeted for the project, other than funding the study, redevelopment of the Dunbar Theater and the surrounding area has been endorsed by both the City of Wichita and Sedgwick County, and several capital improvement projects have been and are scheduled to be implemented in the immediate vicinity.

Recommended Action: Receive and file the report.

Attachments: *Dunbar Theater Redevelopment Feasibility Study Report*

SCOTT KNEBEL Planning staff presented report.

ALDRICH supported the revitalization for the community, but does not support the recommendation from the consultant that the City of Wichita manages and owns the theater. It should be owned by the private sector.

KNEBEL advised that the next step is that the study has identified and the types of improvements that will need to be made, with options on how to raise the necessary resources. The study indicates a number of possible sources for funding, including government funding. No government funds have been budgeted for the project, other than funding in the study. Its up to the neighborhood leaders to take the plan and use it as a road map, if they so choose.

HENTZEN observed that there is a limit on how many commitments of funding that the government can make, and felt the money should be budgeted prior to approval of plans like this.

JAMES ARBERTHA, Director of Power CDC, 1802 N Hydraulic informed the MAPC that their main goal is to obtain site control, to purchase and own the Dunbar Theater, and then go from there.

7. **Case No.: DR2006-10** - Request K-96 Corridor Economic Development Plan

Background: The counties of Sedgwick and Reno and the cities of Maize, Mt. Hope, Haven, and South Hutchinson have undertaken a collaborative planning effort for the K-96 highway corridor between the Wichita and Hutchinson metropolitan areas. The planning effort resulted in an economic development plan for the corridor (see attachment). The plan contains 37 implementation strategies for the promotion of economic development along the corridor. The implementation strategies address issues such as ongoing or future planning efforts, land development regulations, capital improvement programming, public/private partnerships, development incentives, non-local government programs, private investment, and citizen and community organization initiatives.

The Sedgwick County Board of Commissioners received a preliminary presentation of the plan and indicated support for the plan, if the plan received support from the affected cities in Sedgwick County. The city council for both the City of Maize and the City of Mt. Hope have both endorsed the plan (see attachments). Reno County also has endorsed the plan (see attachment) and intends to include the plan in an update of their comprehensive plan, which is currently underway.

The plan is proposed to be adopted as an amendment of *The Wichita-Sedgwick County Comprehensive Plan*. The amendment process requires an advertised public hearing to be held by the Metropolitan Area Planning Commission. At the meeting of the Advance Plans Committee on June 15, 2006, the committee placed the item on the July 6, 2006, agenda of the MAPC for the purpose of setting a date for a public hearing date to consider adoption of the plan. The Advance Plans Committee also expressed an interest in conducting an additional review of the plan to determine its compatibility with the comprehensive plan prior to consideration for adoption. At the July 6, 2006 MAPC hearing, Harland Priddle, Executive Director of K-96 Corridor Development Association, Inc., will brief the MAPC on the *K-96 Corridor Economic Development Plan*.

Recommended Action: Establish a public hearing date for consideration of adoption of the plan as an amendment to the comprehensive plan.

Attachments: K-96 Corridor Economic Development Plan
Endorsement resolution by the City of Maize
Minutes of Mt. Hope City Council meeting at which plan was endorsed
Endorsement resolution by Reno County

SCOTT KNEBEL Planning staff presented report.

HARLAND E PRIDDLE, Executive Director of K-96 Corridor Development Association provided an overview, definition, background information, current status, the plan contents, the Development Association itself and it's purposes, closing with strategies for implementations. The corridor boundary starts east of Maize and extends ½ mile on the south side of K-96 and to the Arkansas River on the north to a point west of South Hutchinson. The members of the K-96 Corridor Development Association are the Counties of Reno and Sedgwick and the Cities of South Hutchinson, Haven, Mount Hope and Maize, and additional members are being sought. The K-96 Corridor Development Association was established as an implementation agency and is a not-for-profit organization that was recently established. In 2004, the K-96 Corridor Study Coalition was established for the purpose of developing an economic development plan between Maize and South Hutchinson. The basic reason was to participate and not be just an observer in the development as it occurred. They wanted to include existing communities and organizations in an orderly development of the corridor. The plan has been completed, and the Coalition approved it for consideration by the Cities and Counties. Reno County has accepted it as an element for reference in their Comprehensive Plan, which they are currently updating. The Cities of Mount Hope and Maize have already adopted resolutions endorsing the Plan. The Plan established a vision and goals that focus on the creation of jobs and orderly development or the corridor. It forecasts the kind of development that could occur in each community. The K-96 Corridor Development Association will assist in the orderly development of the corridor and act in an advisory capacity to Cities and Counties as they develop. The K-96 Corridor Development Association also will provide assistance with marketing. The Plan cost was supported by two counties for \$16,000 each, and the cities themselves put in \$3,000 each. For the implementation, the counties have put in \$8,000 each and the four communities have put in \$2,000 each. The Development Association is a membership association.

WARNER it is the recommendation of the Advanced Plans Committee to set the date for the Public Hearing as October 19, 2006.

MOTION: Establish the date for the public hearing as October 19, 2006, for consideration of adoption of the *K-96 Corridor Economic Development Plan as an amendment of The Wichita-Sedgwick County Comprehensive Plan*.

HILLMAN moved, **HENTZEN** seconded the motion, and it carried (12-0)

The Metropolitan Area Planning Department informally adjourned at 2:38 p.m.

State of Kansas)
Sedgwick County) ^{ss}

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2006.

John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)